

## REMARKS

The applicant hereby incorporates by reference, the remarks found on pages 11-18 of the amendment filed February 2, 2004. In addition, the following remarks are responsive to the Communication mailed April 23, 2004.

A. The amendments to the claims were said to fail to comply with 37 CFR 1.173(b)(2) and (c).

With reference to 37 CFR 1.173(b)(2), the accompanying listing of claims includes the parenthetical expression "Amended" at the beginning of each claim amended by the February 2, 2004 amendment. With reference to 37 CFR 1.173(c), the present amendment includes a section entitled "Status of Claims" which identifies all claims pending, and all claims cancelled. Further, the section entitled "Support for the Amendment" explains how the present amendments, with respect to amended previously existing claims and with respect to the new claims, is supported by the disclosure of U.S. Patent No. 5,551,427.

B. The Communication of April 23, 2004 raises the need for a supplemental declaration.

Accompanying this amendment is a supplemental declaration, signed by the inventor, which refers to the claims amended and added by the February 2, 2004 amendment.

Respectfully submitted,

Biocardia, Inc.

Dated: May 24, 2004

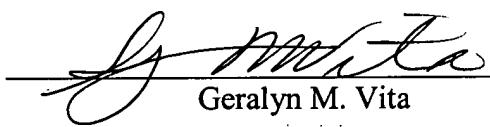
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### CERTIFICATE OF MAILING

Pursuant to 37 CFR 1.8, I hereby certify that this Supplemental Amendment in Application Serial No. 10/014,445 is being deposited with the U.S. Postal Service by first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit indicated below.

Date of Deposit: May 24, 2004

  
Geralyn M. Vita

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